

06-16-04

RCE/2754  
S. QBPractitioner's Docket No. 49,799-RCE (70801)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: N. Takamori, et al. Conf. No. 3999  
Application No.: 09/560,234 Group No.: 2754  
Filed: April 28, 2000 Examiner: D. Nguyen  
For: DISK CARTRIDGE

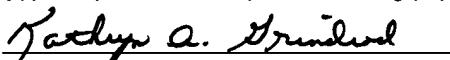
**Mail Stop: RCE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

## CERTIFICATION FILING VIA EXPRESS MAIL UNDER 37 C.F.R. 1.10\*

I hereby certify that this correspondence and the documents indicated as being attached thereto are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service, Express Mail Mailing Label No. **EV 438974492 US** under 37 C.F.R. 1.10 in an envelope addressed to: Mail Stop: RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 14, 2004.

Kathryn A. Grindrod

(type or print name of person mailing paper)

  
Signature of person mailing paper

REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

## TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):

- [ ] Prior to abandonment of the application
- [ X ] Payment of the issue fee
  - [ X ] Prior to payment of issue fee
  - [ ] Issue fee has been paid but a petition under Section 1.313 has been granted
- [ ] Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - [ ] A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- [ ] Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145

(Request for Continued Examination (RCE))--page 1 of 5

- Commencement of a civil action under 35 U.S.C. 146  
 Prior to the filing of such appeal or commencement of civil action  
 Such appeal or commencement of civil action has been terminated

#### ENCLOSURES

3. Enclosed herewith is/are:

- An information disclosure (37 C.F.R. Section 1.98)  
 Form PTO-1449 (PTO/SB/08A and 08B)

- An amendment

- New arguments

- New evidence in support of patentability-

- Other:

#### **FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).**

4. This application is on behalf of:

- |                                     |  |  |
|-------------------------------------|--|--|
| <input type="checkbox"/>            | Small entity (and status is still as small entity) | \$385.00                                 |
| <input checked="" type="checkbox"/> | Other than a small entity                          | \$770.00                                 |
|                                     |  | <b>Continued Prosecution Request Fee</b> |
|                                     |  | <b>\$ 770.00</b>                         |

#### **FEE FOR CLAIMS**

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col.1)	(Col. 2)	(Col. 3) SMALL ENTITY			OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee
Total      5      Minus      20      =		x \$ 9	\$0		x \$18 =	\$-0-	
Indep.     2      Minus     3      =		x \$42 =	\$0		x \$84 =	\$-0-	
[ ] First Presentation of Multiple Dependent Claim			+ \$140 = \$0	+ \$280 = \$			
							<b>Total Addit. Fee \$-0-</b>

*(complete (c) or (d), as applicable)*

- (c)  No additional fee is required.

**OR**

- (d)  Total additional fee required is \$ \_\_\_\_\_.

**EXTENSION OF TIME**

*(If an extension of time is appropriate complete (a) or (b), as applicable)*

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a)  Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension for (months)</u>	<u>Fee for small entity</u>	<u>Fee for other than small entity</u>
[ ] one month	\$ 55	\$ 110
[ ] two months	\$ 210	\$ 420
[ ] three months	\$ 475	\$ 950
[ ] four months	\$740	\$1,480

Fee                          \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- An extension for \_\_\_\_\_ month has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request                  \$ \_\_\_\_\_

**OR**

- (b)  Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### **TOTAL FEE(S) DUE**

**WARNING:** *The fee for continued examination under Section 1.114 may not be deferred. 37 C.F.R. Section 1.53(f).*

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$ <u>770.00</u>
Fee(s) for additional claims (if any) (Section 1.16(b)-(d))	\$ _____
Extension of time fee (if any) (Section 1.17(a)(1)-(4))	\$ _____
Total Fee(s) Due:	\$ <u>770.00</u>

### **PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

[ X ] Check is attached for the sum of	\$ <u>770.00</u>
[ ] Charge Account <u>04-1105</u> the sum of	\$ _____
[ ] Charge Credit Card the sum of (Credit Card Payment Form (PTO-2038) attached.)	\$ _____

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

[X] Account 04-1105.  
[ ] Credit Card (Credit Card Payment Form (PTO-2038) attached.)

### **INVENTORSHIP**

9. This application as amended names as inventors:

[ X ] the same inventors as previously designated for the claims.  
[ ] fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48  
is/has separately:

being filed  
 been filed

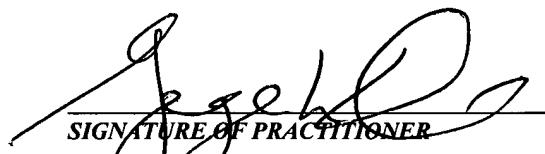
Date: June 14, 2004

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*George W. Hartnell, III*

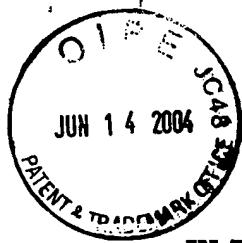
George W. Hartnell, III  
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Attorney Docket No. 49,799 RCE (70801)

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APPLICANT(S): N. Takamori, et al. EXAMINER: D. Nguyen  
SERIAL NO.: 09/560,234 GROUP: 2754  
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**CERTIFICATE OF EXPRESS MAILING**

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By: Kathryn A. Grindrod  
Kathryn A. Grindrod

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COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450**

**PRELIMINARY AMENDMENT**

Please preliminarily amend the subject application as follows before calculating the filing fee therefor:

**IN THE CLAIMS**

Please **amend** claims 2 and 8 and cancel claims 1, 3-7, and 13-17 without prejudice as shown in the Summary of the Claims section, *infra*.